

REMARKS

In the Official Action of April 14, 2003, claims 1-5, 7-39, and 41-42 were rejected under 35 U.S.C. 103 over the combination of Patents Nos. 5,431,924, 5,795,573, 6,444,238, and the Skin Care Dictionary. Responsive to that rejection, all rejected claims have been canceled and new independent claim 43 has been added that is identical to allowed claim 40, but which claims the composition of the present invention in the identical ranges set out on page 2 of the application. Just as with allowed claim 40, the references do not disclose or suggest the ingredients in the ranges defined in claim 43, and because the ranges recited in claim 43 are identical to the ranges set out in the specification, there can be no question as to whether new claim 43 raises new matter. Accordingly, it is respectfully submitted that new claim 43 is allowable over the prior art and, because it does not raise new matter, it is respectfully submitted that new claim 43 is allowable.

Please note that, in accordance with the requirements of 37 C.F.R. 1.116(a), it is Applicant's intention to amend this application in a manner that puts it in condition for issuance. In the unforeseen event that Applicant has not achieved that goal with this **Third Response**, it is respectfully requested that the below-signed Attorney for Applicant be contacted so that any necessary further amendments and/or other action can be accomplished quickly.

Please also note that the inventor's name is misspelled on the Forms PTO-90C and PTO-326 transmitting the Official Action, as well as the Form PTOL-303 transmitting the Advisory Action. A newly-executed Declaration and Power of Attorney on which the inventor's name was spelled correctly (with two "L's") was filed with Applicant's **Response to Official Action of April 11, 2003**, and correction of the records of the Office to show the proper spelling of Applicant's name is respectfully requested. Entry of new claim 43, reconsideration and withdrawal of the rejection, allowance of the claims, and passage of the application to issuance are respectfully requested. In the event there are questions, please contact Applicant's Attorney.

Respectfully submitted,



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